



CRM-M-63424-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-63424-2024

Date of decision : 14.01.2025

Chaitanya Sharma and Ors.

..... Petitioners

V/S

State of Punjab and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. A.P.Kaushal, Advocate for petitioners.

Mr. Gautam Thapar, AAG, Punjab.

Ms. Pallavi Bahre, Advocate for respondent No.2.

AMARJOT BHATTI J. (ORAL)

1. Petitioners-Chaitanya Sharma, Shiv Sharma and Harjinder Sharma have filed instant petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.0068 dated 31.03.2022, under Sections 406, 420, 498-A of IPC, registered at Women Police Station, District Police Commissionerate Ludhiana (Annexure P-1) and subsequent proceedings arising therefrom on the basis of compromise dated 28.11.2024 (Annexure P-2).

2. As per the facts of the case, complainant Ridhima Chatrath filed written complaint against her husband and in-laws family alleging that she got married with Chaitanya Sharma on 30.08.2020. Continuously she was physically and mentally tortured by her husband and in-laws family. Due to Pandemic Covid-19, less number of people came in *barat* but at the instance of her in-laws, they were given best gifts to those who attended the marriage and also for those who could not come. Her parents spent approximately Rs.30 Lacs on marriage. She was continuously ill-treated and harassed in the matrimonial home. She was not permitted to go outside.

She was doing all the household work. During sickness, she was not allowed to see a doctor. The complainant has narrated various incidents which took place in the matrimonial home. She was not permitted to use her dowry articles. Her husband was having anger issues. His behaviour was abnormal towards her. She apprehended threat from her husband. With these allegations, she prayed for strict action against her husband and in-laws family.

3. Petitioners filed this petition for quashing of aforesaid FIR on the basis of compromise. Vide order dated 17.12.2024, petitioners and respondent No.2 were directed to appear before the trial Court/Illaq Magistrate for recording their statements on the basis of compromise. Detailed report regarding compromise has been received from the court of Judicial Magistrate Ist Class, Ludhiana dated 09.01.2025. Statement of respondent No.2 has been recorded, where she confirmed the compromise with petitioners. She confirmed that this compromise has been effected without any pressure, coercion or undue influence from any side and she has no objection regarding quashing of FIR.

4. Petitioners- Chaitanya Sharma, Shiv Sharma and Harjinder Sharma also confirmed this fact in their joint statement. Statement of ASI Harjinder Singh is also recorded who further confirmed that accused are not involved or declared as proclaimed offender in any other criminal case.

5. Therefore, from the report of Judicial Magistrate Ist Class, Ludhiana it is clear that compromise has been effected between the parties without any pressure, coercion or undue influence. They have mutually settled all their claims arisen from matrimonial dispute. They will be able to live in peace and harmony. It will end the litigation started between them. No purpose would be served with the continuation of criminal proceedings.



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6. Gainful reference can be made to the judgment of Larger Bench of Five Judges of this High Court cited in 2007(3) R.C.R. (Criminal) 1052 tilted as Kulwinder Singh and Ors. Vs. State of Punjab and Anr., where it was explained that 'there can never be any hard and fast category which can be prescribed to enable the court to exercise its power under Section 482 of Cr.P.C. The only principle that can be laid down is the one which has been incorporated in the section itself i.e. to prevent abuse of the process of any court or to secure the ends of justice.'

7. Therefore, by relying upon the ratio of the aforesaid judgment, no purpose would be served with the continuation of criminal proceedings. Considering these facts, the petition filed by the petitioners is accepted and FIR No.0068 dated 31.03.2022, under Sections 406, 420, 498-A of IPC, registered at Women Police Station, District Police Commissionerate Ludhiana (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua petitioners.

8. The present petition accordingly stands accepted.

(AMARJOT BHATTI)
JUDGE

14.01.2025.

Sunil Devi

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No